SHRI JOHN F. FERNANDES: The State of Goa is not producing alcohol. It is getting alcohol from other States. So the racket is existing in other States and not in the parent State. It is the jurisdiction of the Union Government. I feel it is the duty of the Government to enquire into this matter.

SHRI P. J. KURIEN: Unless there is any allegation on or a specific complaint, how can the Government look into it? However, whatever it may be, the suggestion is taken note of.

MR. CHAIRMAN: What Fernanades had said, you look into it.

श्री राम नरेश यादव : सभापति महोदय माननीय मंत्रीजी ने जो उत्तर दिया है उसमें मोलासेस और दूसरे साधनों से जो शराब बनायी जा रही है, उसके बारे में बताया है और उसको पिलाने का काम किया जा रहा है । महोदय, राष्ट्र का स्वास्थ्य बहुत जरूरी है और शराब पिलाने से जो आज स्थिति पैदा हो रही है, वह भी गंभीर बात है । तो एक तरफ तो सरकार शराब पिलाने का काम करती है और दूसरी ओर उस पर प्रतिबंध लगाने का काम भी करती है । एक तरफ तो सरकार लायसेंस देती है, दूसरी ओर नहीं पिलाने की बात भी करती है । तो मैं आपके माध्यम से माननीय मंत्री महोदय से जानना चाहता हूं कि देश के स्वास्थ्य को ध्यान में रखते हुए शराब से जो यह क्षति और नुकसान होता है और कितने ही लोग मौत के शिकार भी होते हैं, इसे ध्यान में रखते हुए आपके सामने जो उसकी भौतिक उपलब्धि है, वह महत्वपूर्ण है या राष्ट्र का स्वास्थ्य महत्वपूर्ण है ? तो इसके महत्व को ध्यान में रखते हुए निषेध (प्रोहिबिशन) लागू करने का काम करेंगे मंत्री महोदय ?

SHRI P. J. KURIEN: Sir, that is exactly what I said. The Govenment is concerned about the welfare of the people. That is why the Government will not encourage liquor. Also, we have restricted the issue of licences. There are a number of applications for licences for this potable alcohol. The Government is not issuing these licences. Also, we don't consider this as a priority sector and therefore we have instructed the banks and other instiutions not to give institutional finance to this sector. Even those who are running this, are not getting any institutioal finance or help. We have made this sure. We don't give any encouragement.

*231. [*Transferred to the 17th March, 1992*]

*223. [*The questioners (Shri H. Hanumanthappa and Shri Rajni Ranjan Sahu) were absent. For answer*, vide *col.* 55 infra].

233. [*The questioner (Shri Mentay Padmanabham) was absent. For answer* vide *col.* 55-56 infra].

**Assessment of Recovery against Drug Companies**

*234. SHRIMATI SATYA BAHIN:†

SHRIMATI BIJOYA CHAKRAVARTY:

Will the PRIME MINISTER be pleased to state:

(a) what are the names of companies against whom recovery is yet to be assessed in regard to overcharging from consumers upto 29th February, 1992;

(b) what are the products involved in each case, period upto which recovery is due and by when the process of recovery would be completed;

(c) whether Government called any details from these companies;

(d) if so, the details thereof;

(e) whether it is a fact that certain companies were let off for a consideration by bureaucrats;

†The question was actually asked on the floor of the House by Shrimati Satya Bahin.

(f) if so, the details thereof; and

(g) what are the names of companies who have provided the data asked for and what steps have been taken to work out the unintended benefit from the data submitted?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (g) A Statement is laid on the Table of Rajya Sabha.

**Statement**

(a) to (g) Assessment of the tentative liabilities of the companies on account of violation of the various provisions of the DPCOs and/or in terms of the judgements of the Courts, has already been completed in a number of cases, while in respect of the remaining cases all efforts are being made to complete the same as quickly as possible. The updated information in this regard is given in the Annexure. (*See below*) In a number of cases, the progress has been hampered on account of non-receipt of complete data for the entire relevant period. The companies have been informed that in case they do not cooperate, the Government will be left with no alternative but to compute their liabilities on the basis of whatever data becomes available to it from wherever. For example, *suo moto* calculations have been done and communicated to the companies in the case of M/s. ABBOTT LABS AND M|S. PARKE DAVIS.

The question of any company being let off does not arise. All efforts will be made to effort the recoveries as legally permissible.

**Annexure**

*Recoveries of Over-Charged Amounts Supreme Court Case Companies*

(In Rs. .lakhs)

| Sl. No. | Name of the Company (Drugs involved) | Period involved | Special Committee Assessment | Revised assessment | Amount assessed |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| (1) | *M/s. Cynamid (I) Ltd.* (Demethyl-Chloro Tetracycline and Formulations) | Up-to-Oct. 83 | 389·06 | 490·47 | 100·00 |
| | | 1984—87 | N.A. | 830·05 | |
| | | Total : | 389·06 | 1320·52 | |
| (2) | *M/s. Hoechst (I) Ltd.* (Baralgon Ketone, Frusemide, Pheniramine Maleate, PMT, Glybenclamide) | Upto Dec. 83 | 458·10 | 2491·05 | 312·10 |
| | | 1984—87 | N.A. | 5289·75 | |
| | | Total : | 458·10 | 7780·80 | |
| (3) | *M/s. John Wyeth & Geoffrey & Manner* | Upto Dec. 83 | 161·83 | 206·04 | 45·00 |
| (4) | (Benzathine Penicillin and formulations) | 1984—87 | N.A. | 299·95 | |
| | | Total : | 161·83 | 505·99 | |
| (5) | *M/s. Merind* (Dexamethasone and formulations | Upto Dec. 83 | 138·79 | 781·58 | Nil |
| | | 1984—87 | N.A. | 1610·14 | |
| | | Total : | 138·79 | 2391·72 | |
| (6) | *M/s. Pfizer* (Oxytatracycline and Formulations) | Upto Dec. 83 | 48·21 | 87·61 | 19·90 |
| | | 1984—87 | N.A. | N.A. | |
| | | Total : | 48·21 | 87·61 | |

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|
| (7) | *M/s. Franco India & M/s. Griffen* | Upto Dec. 83 | 11·02 | 14·02 | 0·43 |
| (8) | (Phenoxy Methyl Pencillin Tablets) | 1984—87 | N.A. | N.A. | |
| | | Total : | 11·02 | 14·02 | |
| (9) | *M/s. Tamil Nadu Dadha* (Calcium Lactate) | Upto Dec. 83 | 15·59 | 37·97 | Nil |
| | | 1984 –87 | N.A. | N.A. | |
| | | Total : | 15·59 | 37·97 | |
| (10) | *M/s. Anil Starch* (Dextrose Anhydrous) | Upto Dec. 83 | 11·61 | 11·61 | Nil |
| | | 1984—87 | N.A. | 1·16 | |
| | | Total : | 11·61 | 12·77 | |
| (11) | *M/s. S. G Pharmaceuticals* (Butyphenylbutazone) | Upto Dec. 83 | 114·30 | 205·36 | Nil |
| | | 1914—87 | N.A. | N.A. | |
| | | Total : | 114·30 | 205·36 | |
| (12) | *M/s. Ethnor* (Teteramisole HCL) (Decaris Tablets) | Upto Oct. 83 | 8·15 | 10·19 | 10·19 |
| | | 1984—87 | N.A. | N.A. | |
| | | GRAND TOTAL: | 1356·66 | 12366·95 | 487·62 |

*Other Companies* (In Rs. lakhs)

| Sl. No. | Name of the Company (Drugs involved) | Period Involved | Tentative Assessment | Amount Deposited |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| 1 | *M/s. Glaxo India Ltd.* (Betamethasone & its salts) | 1981 to August, 1987 | 7178·00 | 819·00 |
| 2 | *M/s. Sarabhai Chemicals* | Misc. | 20·00 | 20·0 |
| 3 | *M/s. Sandoz India Ltd.* (Multivitamines) | 1-4-86 to Sept. 1987 | 74·68 | .. |
| 4 | *M/s. Pfizer India Limited* (Multivitamins) | April, 86 to Dec., 88 | 122·00 | .. |
| 5 | *M/s. Parkae Davis* (Multivitamins) | August, 83 to August, 87. | 1466·15 | .. |
| 6 | *M/s. Abbott Labs* (Multivitamines) | March, 86 to August, 87. | 182·38 | .. |
| 7 | *M/s. Burroughs Wellcome* Sulfamethexazole) | 79-80 to February, 84. | 441·27 | .. |
| 8 | *M/s. Lyka Labs* (Flucinolone Accetonide) | 79-80 to 25-8-87 | 678·73 | |
| 9 | *M/s. Warner Hindustan* (Now Parke Davis) (Isokin and Pyridium) | 1982 to 86 | 106·36 | 55·49 |

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| 10 | *M/s. Boehringer Knoll* (Euglucon) | 13-12-84 to 31-1-88 | 97·94 | .. |
| 11 | *M/s. Carews* (Combiflam) | Nov. 86 to Dec. 88 | 710·24 | .. |
| 12 | *M/s. IDPL* (Imported Bulk Drugs) | 1985-86 to 1987-88 | 336·45 | .. |
| 13 | *M/s. Krupa Traders* (Rifampicin) | Various | 20·48 | .. |
| 14 | *M/s. IDPL* (Sulfadimidine) | Various | 37·30 | .. |
| 15 | *M/s. A.F. Chemicals* (Paracetamol) | Feb. 88 to Nov. 89 | 25·43 | .. |
| 16 | *M/s. Malladi Drugs* (Ephedrine) | April, 88 to March 90 | 116·30 | .. |
| 17 | *M/s. Lupia Labs* (Rifampicin) | 1988—91 | 3·72 | .. |
| 18 | *M/s. Lupin Labs* (Ethambutol) | 1989-90 | 17·31 | .. |
| | | Sub-total (b) | 11634·54 | 894.49 |
| | | TOTAL : | 24001·49 | 1382·11 |
| | | | (Rs. 240·01 crores) | (Rs. 13·82 crores) |

*RECOVERIES UNDER DPEA*

| Sl. No | Name of the Company | Period Involved | Tentative amount assessed (Rs. in lakhs) | Amount Received (Rs. in lakhs ) |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *Rifampicn* | | | |
| 1 | Biochem Pharmaceuticals . . . . | 3/79 to 3/84 | 34·28 | .. |
| 2 | Lyka Labs. . . . . | 4/79 to 3/84 | 57·57 | 5·70 |
| 3 | Astra IDL Ltd. . . . . | 82-83 to 5/84 | 24·11 | 2·41 |
| 4 | Micro Labs. . . . . | 79-80 to 82-83 | 2·24 | .. |
| 5 | Themis Chemicals Ltd. . . . . | 82-83 to 83-84 | 36·31 | .. |
| 6 | Alembic Chem. Labs. . . . . | 81-82 to 83-84 | 38·73 | 3·80 |
| 7 | Bombay D House . . . . | 80-81 to 83-84 | 1·73 | .. |

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| 8 | Pharmed Pvt. Limited | 79-80 to 83-84 | 66·01 | .. |
| 9 | Dolphin Labs. | 1979 to 1983 | 18·11 | .. |
| 10 | Albert David Ltd. | 11/81 to 9/83 | 3·91 | 3·91 |
| 11 | Pharma & Chem. Ind. | 80-81 to 82-83 | 87·99 | .. |
| 12 | Cadila Labs. P. Ltd. | 79-80 to 83-84 | 76·52 | 7·50 |
| 13 | Sarabhai Chemicals | 82-83 to 83-84 | 4·14 | 2·00 |
| 14 | Lupin Laboratories Ltd. | 8/80 to 3/84 | 215·89 | 21·60 |
| 15 | Ranbaxy Laboratories Ltd. | 4/79 to 6/84 | 36·23 | 3·63 |
| 16 | Wallace Pharmaceuticals | 4/82 to 2/84 | 2·82 | 0·29 |
| 17 | Ethico Drug & Chem. Mfg. Co. | 5/82 to 3/84 | 140·98 | .. |
| 18 | M/s. Indian Drugs & Pharmaceuticals Ltd. | 12/80 to 1/86 | 2·18 | .. |
| 19 | M/s. Hindustan Antibiotics Limited | 81-82 to 83-84 | 36·66 | .. |
| | | | 886·41 | 50·84 |
| | *DIPYRIDAMOL* | | | |
| 1 | German Remedies | 4/79 to 7/84 | 59·95 | 59·95 |
| | *GENTAMYCIN* | | | |
| 1 | Fulford I. Ltd. | 79-80 to 2/84 | 194·62 | 50·00 |
| 2 | Biochem Pharma Ltd. | 79-80 to 3/84 | 33·88 | .. |
| 3 | Lyka Labs. Ltd. | 7/79 to 3/84 | 17·47 | 1·75 |
| 4 | Nicholas Labs. | 79-80 to 3/84 | 53·03 | 10·00 |
| | | | 299·00 | 61·75 |
| | *SALBUTOMOL* | | | |
| 1 | M/s. Khandelwal Ltd. | 79-80 to 81-82 | 0·15 | .. |
| 2 | M/s. Biddle Sawyer P. Ltd. | 4/79 to 3/83 | 142·74 | .. |
| | | | 142·89 | .. |
| | *CLOFAZAMINE* | | | |
| 1 | M/s. S.G. Pharmaceuticals | 4/79 to 3/84 | 5·01 | .. |

| 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| | *AMPICILLIN & AMOXYCILLIN* | | | |
| | M/s. Biochem Pharma Ltd. . . . | 79/80 to 83-84 | 11·80 | .. |
| | *OHYPHENYLBUTAZONE* | | | |
| | M/s. Tablets India Ltd. . . . . | 79/80 to 83/84 | 9·49 | .. |
| | *METRONIDAZONE* | | | |
| 1 | M/s. Boots Company Ltd. . . . | 79/80 to Aug. 87 . | 62·17 | 47·92 |
| 2 | M/s. Smith Stanistreet Pharmaceuticals. Ltd. . . . . | 79/80 to 83/84 | 7·82 | .. |
| 3 | M/s. KSDPL . . . . . | 79-80 to 83-84 | 5·50 | .. |
| 4 | M/s. Khandelwal Labs. . . . . | 79-80 to 3/84 | 1·34 | .. |
| 5 | IDPL . . . . . | 79-80 to 3/84 | 20·33 | .. |
| | | | 97·16 | 47·92 |
| | *TRIMETHOPRIC* | | | |
| | M/s. German Remedies . . . . | 2/82 to 5/86 | 8·25 | 8·25 |
| | | TOTAL : . . | 1519·96 | 228·71 |

**श्रीमती सत्या बहिन :** सभापति महोदय, मंत्रीजी ने जो सवाल का जवाब दिया है, उसमें बहुत-सी अनियमितताओं का पता चलता है ।

मैं यह जानना चाहती हूं कि इसमें हमने यह पूछा था कि इन कंपनियों के खिलाफ कोई कार्यवाही की गई है या नहीं जिन्होंने ओवरड्यू नहीं दिए हैं और देना नहीं चाहते हैं ? मान्यवर यह बड़ी गंभीर बात है कि ये लोग न केवल मंत्रालय के बल्कि अदालत के आदेशों की भी बाकायदा अवहेलना कर रहे हैं और वह भी बिना किसी डर और दहशत के, तो एक तो मैं यह पूछना चाहती हूं कि इन लोगों के खिलाफ कोई आपराधिक मामले दर्ज किए गए हैं या नहीं क्योंकि इन्होंने जवाब में यह दिया है कि किसी कंपनी को छोड़ने का प्रश्न नहीं उठता है और आगे दिया है कि समय पर वसूली के सभी प्रयास किए जा रहे हैं । महोदय, मेरा कहना यह है कि अगर इन लोगों ने अभी तक ड्यू नहीं दिया है तो उसके लिए उन्हें कितने नोटिस जारी किए गए हैं और नोटिस जारी नहीं किए जाने के बाद भी कोई कार्यवाही नहीं की गयी है, उनके द्वारा कोई कोई सुनवाई नहीं की गयी है तो मेरा प्रश्न यह है कि उनके खिलाफ कोई आपराधिक मामले दर्ज किए गए हैं या नहीं ? अगर किए गए हैं तो कितनी कंपनियों पर और किन-किन लोगों पर किए गए हैं ?

SHRI CHINTA MOHAN: Sir, I have already said that we have been writing to all the companies to send their arrears and we are trying our best. Also, we have ordered that they should be collected immediately. We will try to persuade the companies and order them to set things right.

MR. CHAIRMAN: Her question is whether you have instituted criminal proceedings.

SHRI CHINTA MOHAN: So far, no.

SHRI S. JAIPAL REDDY: If not, why? Sir, the question is, if not, why? He is talking of persuading the companies. What is required in this case is coercion. Why are you hesitant to use the force of law?

SHRI CHINTA MOHAN: We will allow the law to take its course.

श्रीमती सत्या बहिन : सभापति महोदय, मेरा प्रश्न यह है कि सरकार की तरफ से कोई आपराधिक कामले दर्ज किये गये हैं या नहीं ?

MR. CHAIRMAN: Mr. Minister, the question is very simple. The law will take action. But what for is the Government? The whole House is agitated that so much of dues are there and they have a feeling that the Government is not taking proper action to recover these dues when the State exchequer is in such dire difficulty. This must be corrected. That is the simple thing.

SHRI CHINTA MOHAN: Some of them have gone to court.

MR. CHAIRMAN: Those are where decisions have been taken. The Supreme Court has given a decision that you must recover everything.

SHRI CHINTA MOHAN: We will take necessary action.

SHRI A. G. KULKARNI: Will you please give a directive to the Government because it is impossible to listen to such replies for years and years. For ten years or eleven years we are pursuing this.

MR. CHAIRMAN: I have said he should take cognizance of the feelings of the House, irrespective of any party.

SHRI A. G. KULKARNI: Why are you soft on the Government? Give a directive to the Minister. You have got the authority.

SHRI V. NARAYANASAMY: In every session we are raising this issue, whether it is our Government or the Janata Dal Government.

MR. CHAIRMAN: That is why I said, the whole House. You understand it. I have said the whole House has got a feeling that you are not taking as much action as you should and the Government, I am sure, I hope, will take note of it and see that these dues are recovered, and that the House is more agitated because we are facing difficulties.

PROF. SAURIN BHATTACHARYA: Why doesn't he say straightway that disciplinary action will be taken?

MR. CHAIRMAN: I cannot answer on this behalf.

SHRI CHINTA MOHAN: On behalf of the Government we assure you that we will definitely take strong action in this matter.

SHRI YASHWANT SINHA: Sir, there is a saying: You can take a Minister to Parliament but you cannot make him answer.

श्रीमती सत्या बहिन सभापति महोदय मेरा दूसरा प्रश्न यह है कि इन लोगों के विरूद्ध कार्यवाही करने के लिये कोई समय-सीमा निर्धारित की गई है, अन्तिम समय-सीमा कि इतनी तारीख तक वसूली कर लेंगे ? इसी के साथ ही इससे जुड़ा हुआ एक प्रश्न मेरा यह भी है कि इस कार्यवाही में निर्माताओं को लिया जा रहा है या निक्रेताओं को भी शामिल किया जा रहा है ?

SHRI CHINTA MOHAN: It is a suggestion given by the Madam and we will study it. This is a problem going on for eleven years, not arising today.

SHRIMATI BIJOYA CHAKRAVARTY: Not only myself, the whole House is very much disturbed by the passive answers of the honourable Minister not only on this question but on all questions. The point is this. The Minister in his statement has said, "In a number of cases progress has been hampered on account of the non-receipt of the complete data for the entire relevant period." Now, who is responsible for it? Has the Minister identified the concerned officers who are responsible for not getting the data so that he can resort to some criminal procedure action against those companies? And what is the time-frame?

SHRI CHINTA MOHAN: Very soon we will try to take strong action.

SHRIMATI BIJOYA CHAKRAVARTY: What is this? This is a very bad performance. We are very sorry. I want to put another question: Is the Minister joining hands with the bureaucrats?

**श्रीमती सुषमा स्वराज** : सभापति जी श्री चिंतामोहन सबसे निश्चिंत मंत्री बन कर आते हैं यहां पर । कोई तैयारी नहीं होती । इतना निश्चिंत मंत्री हमने नहीं देखा । कोई चिंता नहीं, निश्चिन्त होकर दोनों हाथ ऐसे । . . . **(व्यवधान)** . . . कोई कागज नहीं, कोई कुछ नहीं । . . . **(व्यवधान)** . . . सभापति जी, कम से कम आप नोटिस लीजिए इस चीज का, इतना महत्वपूर्ण प्रश्नकाल हो रहा है, दोनों हाथ ऐसे करके जवाब देते चले जाते हैं । . . . **(व्यवधान)** . . . दोनों हाथ आगे कर देते हैं। . . . . **(व्यवधान)**

**श्री सभापति** : यह स्थितप्रज्ञ है । . . . **(व्यवधान)** . . .

**एक माननीय सदस्य** : सर, परिस्थिति नरपेक्ष भी लग रहे हैं वह । . . . .

**श्रीमती सुषमा स्वराज** : हां, वह परिस्थिति निरपेक्ष हैं । उन पर किसी परिस्थिति का कोई असर नहीं है । . . . **(व्यवधान)** We don't want *sthithirapragyas.*

SHRI S. JAIPAL REDDY: Sir, the whole House appreciates the positive tribute of the Chair to the Minister.

**Production of patented drugs in India**

*235. SHRIMATI MIRA DAS
SHRI SARADA MOHANTY:†

Will the PRIME MINISTER be pleased to state:

(a) whether it is a fact that patented drugs like anti-biotics are produced upto 42 per cent cardio vascular drugs, 51 per cent anti-inflamatory drugs, 21 per cent tranquillisers, 60 per cent, anti asthmatics, 42 per cent anti-bacterial, 98 per cent of the total production of each category in India while U.S. is alleging that only 5 per cent of such drugs are sold in India;

(b) whether it is also a fact consent to Dunkel proposals would lead to acceptance of the Paris Convention whereby detachment from the Dunkel agreement would take a five year period; and

(c) wheher it is a fact that Government have decided to accept Dunkel proposals on Patent of drugs and chemicals; if so, what are their implications?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (c) A Statement is laid on the Table of the House.

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†The question was actually asked on the floor of the House by Shri Sarada Mahanty.